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Letter dated 10 October 2002 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Security Council

I am transmitting herewith a paper prepared by the Permanent Mission of Colombia containing ideas for the consideration of the question of small arms. The paper was prepared in accordance with the agreement reached during informal consultations on 2 October 2002 and circulated informally among the members of the Security Council on 8 October 2002.

I should be grateful if you would circulate this text as an official document of the Security Council.

(*Signed*) Alfonso **Valdivieso**
Ambassador
Permanent Representative

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Annex to the letter dated 10 October 2002 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Security Council

[Original: English]

Non-paper for the consideration of the issue of small arms

Security Council
Permanent Mission of Colombia to the United Nations
8 October 2002

Following the 2 October 2002 discussion during informal consultations, Colombia agreed to prepare some general ideas with guidelines and suggestions for the Security Council's consideration of the question of small arms in the immediate future. These guidelines and suggestions, all of which are included in this non-paper, are intended to trigger a productive, useful and pertinent discussion in the Security Council of the report of the Secretary-General (S/2002/1053) on small arms.

General focus

We are inviting members and non-members of the Council to use this opportunity to address comprehensively the issue of implementation of arms embargoes. Of course, statements may refer to specific arms embargoes. However, we believe it would be more useful if Member States address the broader issue of the role of the Security Council and the United Nations in the implementation of arms embargoes, and draw on specific examples from cases whose situations are negatively affected from the illicit flow of small arms. We are referring in particular to targeted sanctions regimes related to Liberia, Sierra Leone, Angola, Somalia and to a certain degree, those targeted actors covered under resolutions 1267 (1999) and 1390 (2002).

Objective

The ultimate objective of this open debate is to compile and discuss the past experience of the Security Council in the implementation of arms embargoes, and to construct and design a strategic vision for the future. Statements by members and non-members of the Council, recommendations of the Secretary-General, and other relevant information will serve as inputs for a draft presidential statement that Colombia would be willing to submit for the consideration of the Security Council. This draft would focus on a political vision and a global strategy of the Council that would apply to the implementation of current and future arms embargoes.

Background information

In addition to the report of the Secretary-General (S/2002/1053), members participating in the debate should consider the recommendations on arms embargoes submitted to the Council by panels of experts in charge of monitoring the implementation of current and past targeted sanctions regimes. The situations in Angola, Sierra Leone, Liberia and Somalia, as well as those targeted actors covered under resolutions 1267 (1999) and 1390 (2002), are cases in point. A summary of some of the general recommendations that may be considered by participants during the open debate of the Security Council is attached as a reference aid (see enclosure).

Stages for action

To achieve the stated objective, the following stages are proposed:

(a) Convene an Arria Formula with the participation of available arms experts of the monitoring panels of Angola, Liberia, Sierra Leone and Somalia as well as the Monitoring Group established pursuant to resolution 1390 (2002). Experts would be invited to address the difficulties and opportunities of implementing arms embargoes. The Arria meeting should take place two or three days before the open debate in the Security Council and be open to non-members of the Council;

(b) Hold the open debate in the Security Council, inviting States Members of the United Nations to make statements based on the ideas contained in this non-paper and the recommendations contained in the report of the Secretary-General (S/2002/1053). At a later stage, some ideas would be presented to the Security Council on the detailed format proposed for the meeting. At this point, we think we should invite the chairpersons of both the Economic Community of West African States and the Southern African Development Community to address the Council on the moratorium and the Action Plan for the Control of Light Weapons, respectively. This would reaffirm that regional efforts to control the illicit flow of small arms are not disconnected from global efforts in the form of arms embargoes imposed by the Security Council, but rather are complimentary and mutually reinforcing;

(c) Prepare a draft presidential statement for consideration of the Security Council that takes into account the discussion and incorporates relevant suggestions and recommendations.

Enclosure

Summary of recommendations related to arms embargoes presented by the panels of experts established by the Security Council

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1. Recommendations by the Monitoring Group established pursuant to resolution 1390 (2002) (document S/2002/1050 and Corr.1)

(a) All States that have not yet done so should as soon as possible take steps to require the registration of all arms brokers dealing from their territories. This should include the registration of non-nationals as well as nationals.

(b) Every State should adopt measures criminalizing the operation of non-registered arms brokers. Such brokers should be barred from performing any kind of activity related to arms transactions. Adequate penalties should be imposed. Consideration should be given to the drafting of an international convention for the suppression of illegal arms brokering activities.

(c) International standards should be formulated to clarify rules pertaining to the transfer of ownership of arms consignments between the supplier and the recipient.

(d) A registry should be maintained including the names of all persons involved in providing services related to arms transfers.

(e) Strict use of end-user certificates should be required.

(f) Shipping routes of the arms consignment including carriage should be declared before shipment commences.

2. Recommendations by the Monitoring Mechanism on Angola Sanctions (S/2000/1225 and Corr.1 and 2)

(a) Arms exporting countries should strengthen their systems pertaining to arms exports, in particular verifying the authenticity and country of issuance of the relevant documents.

(b) The importation of arms should be subject to adequate legislation and should be managed through a mechanism that can define clearly the responsibilities of all agencies and officials involved. Such system should include provisions designating in person the officials authorized to sign end-user certificates.

(c) The format of end-user certificates necessary to legally acquire arms should be provided with a standard system of support and a sufficient level of security to deter and/or prevent the forgery of such documents.

(d) Governments should consider putting in place systems to allow for the speedy exchange of information and verification of the validity of end-user certificates through the designation of a contact authority in the arms exporting and importing side or by any other way deemed appropriate.

(e) The international community should give full support to the implementation of the ECOWAS moratorium and the SADC action plan for the control of light weapons.

(f) A register of intermediary firms/brokers dealing with import/export of arms should be put in place.

(g) Sanctions-busters should have their aircraft de-registered. An international list of companies, individuals and aircraft breaking sanctions should be maintained by the United Nations on a permanent basis and provided to those countries that export arms.

(h) Member States should consider introducing legislation regulating the leasing of aircraft for the transportation of weapons. These measures and regulations should include provisions obliging the contracting partners to prohibit the delivery of equipment in breach of Security Council embargoes.

(i) The Security Council should consider applying sanctions against any Government found to be intentionally violating them.

3. Recommendations by the Panel of Experts on Sierra Leone Diamonds and Arms (S/2000/1195)

(a) In view of the sanctions-breaking cases investigated by the Panel and the information gathered in the region, it is recommended that the Security Council encourage the reinforcement of the ECOWAS Programme for Coordination and Assistance for Security and Development (PCASED) with support from Interpol and the World Customs Organization. PCASED should have an active capacity to monitor compliance with arms embargoes and the circulation of illicit weapons in the region.

(b) The Security Council should encourage ECOWAS member States to enter into binding regional arrangements between States with common frontier zones, to initiate an effective, common and internationally agreed system of control that includes the recording, licensing, collection and destruction of small arms and light weapons.

(c) In this report, the Panel has identified certain arms brokers and intermediaries responsible for supplying weapons to the RUF. A project should be developed to profile these arms brokers with the cooperation of Interpol. Similarly, considering the importance of air transport in the sanctions-busting, profiles of major cargo companies involved in such practices should be developed, with a view to exploring ways and means of further strengthening the implementation of sanctions.

(d) Responsibility for the flood of weapons into West Africa lies with producing countries as well as those that trans-ship and use them. The Security Council must find ways of restricting the export of weapons, especially from Eastern Europe, into conflict areas under regional or United Nations embargoes. "Naming and shaming" is a first step, but consideration could be given to an embargo on weapons exports from specific producer countries, just as diamonds have been embargoed from producer countries until internationally acceptable certification schemes have been developed.

(e) Current Security Council arms embargoes should be amended to include a clear ban on the provision of military and paramilitary training.

(f) The World Customs Organization should be asked to share with the Security Council its views on creating adequate measures for better monitoring and detection of weapons and related materiel to non-State actors and countries under an arms embargo.

(g) The Security Council should consider ways in which air traffic control and surveillance in West Africa can be improved, with a view to curtailing the illicit movement of weapons.

(h) Consideration should be given to creating capacity within the United Nations Secretariat for ongoing monitoring of Security Council sanctions and embargoes.

4. Recommendations by the Panel of Experts on Liberia (S/2001/1015 and S/2002/470)

(a) All United Nations Member States abstain from supplying weapons to the Mano River Union countries.

(b) An arms embargo be imposed on the armed non-State actors in the three Mano River Union countries (namely the LURD and Ulimo-factions, the RUF and the Guinean armed dissident groups).

(c) The Panel also recommends that, for reasons of transparency and confidence-building, the ECOWAS Moratorium on Small Arms should be broadened to an information exchange mechanism for all weapons types procured by the ECOWAS member States.

(d) The existing Programme for Coordination and Assistance for Security and Development (PCASED) could be further developed to improve the information exchange on current holdings and future arms procurement of West African States. The Panel also reiterates its recommendation that the information exchange should be binding on both the suppliers and the receiving States and that they should report every arms transaction to the newly established mechanism, including data on the names and companies of the brokers and transport agents.

(e) The Panel once again strongly recommends an immediate and complete embargo on all non-State actors in the Mano River Union countries, including the dissident groups constituting LURD.

(f) The Panel urgently recommends the establishment of a United Nations working group to develop the modalities for a standardized end-user certificate that would include the name, address and telephone number of the signing authority for the certificate, and name, address, telephone number and arms trading licence of the broker(s) involved.